

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CALVIN NASH,

Defendant.

Case No. 19-CR-120-2-JPS

ORDER

Before the Court is Defendant Calvin Nash's ("Defendant") motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 828, Part B of the United States Sentencing Guidelines. ECF No. 631. Amendment 828, Part B clarified penalties and grouping of violations related to weapons enhancements for an obscured serial number. U.S.S.G. Amendment 828.

Nash's motion fails for two reasons. First, the amendment does not apply to Nash's case. There is no indication that Nash was sentenced with an enhancement under either U.S.S.G. § 2K2.4 or § 3D1.2(c), which are the only enhancements addressed by Amendment 828, Part B. *Id.* Second, and contrary to Defendant's assertion, "Amendment 828 is not retroactive." *United States v. Johnson*, No. CR 5:19-177-DCR, 2024 WL 4898055, at *1 (E.D. Ky. Nov. 26, 2024) (citing U.S.S.G. § 1B1.10(d)); *see also United States v. White*, No. CR 10-420-3, 2025 WL 343689, at *2 (E.D. Pa. Jan. 30, 2025) (finding that Amendment 828 is not retroactive). Amendment 828 is not one that has been made retroactive and therefore cannot be the basis for reducing Defendant's sentence. U.S.S.G. § 1B1.10(d) (listing the amendments that are

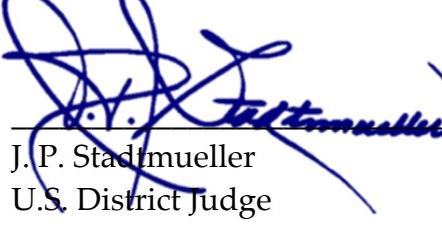
retroactive and not listing Amendment 828); *see also Johnson*, 2024 WL 4898055, at *1–2 (“Amendment 828 is not subject to retroactive application for defendants previously sentenced. (citing U.S.S.G. § 1B1.10(d))); *United States v. Driver*, No. 1:01-CR-97, 2008 WL 833127, at *2 (N.D. Ind. Mar. 27, 2008) (“A reduction of an existing sentence is consistent with Sentencing Commission policy only for guidelines amendments that are listed in U.S.S.G. § 1B1.10.”) (citing *United States v. Snyder*, 2008 WL 370663, at *3 (N.D. Ind., Feb. 11, 2008)).

Accordingly,

IT IS ORDERED that Defendant Calvin Nash’s motion for a reduction in sentence, ECF No. 631, be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 14th day of March, 2025.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge